

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**UNITED STATES OF AMERICA,**

**-against-**

**AFFIDAVIT**

**DAVID VILLANEUVA and  
ALEX LICHTENSTEIN,  
Defendants.**

**S2 16 Cr. 342 (SHS)**

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**STATE OF NEW YORK }**

**COUNTY OF NEW YORK }:**

ALEX LICHTENSTEIN, being an observer of the Orthodox Jewish faith and thereby prohibited by religious law from swearing an oath, hereby affirms the truth of the following upon the penalties of perjury:

1. I am a defendant in the present matter, and I make this affirmation in support of motions to dismiss the Indictment and to suppress evidence. I make this affirmation in response the requirement of the Court that these motions be supported by my statement, and in doing so, I respectfully and expressly reserve my right under the Fifth Amendment to the United States Constitution to remain silent in any other or further proceedings regarding this matter.
2. I have reviewed the video tape recordings of the events at my home on the morning of April 17, 2016, and I attest that these recordings accurately record those events. The video recordings and screen shots of these recordings are respectfully submitted as Exhibits to the




motions to dismiss and suppress, and these recordings have not been altered or redacted in any manner. Additionally, the recordings submitted constitute all the recordings in my possession of the actions of law enforcement agents at my home on April 17, 2016.

3. As recorded by the home-video system in my home in Pomona New York, I observed armed law enforcement agents arrive at my home in several vehicles shortly before 7:00am, on April 17, 2016. Through the home security system, I observed their actions on video screens as they arrived at and entered upon the property of my private single family home.
4. The observation of the arrival and actions of numerous armed officers around my home, and the events that immediately followed, were truly terrifying for me.
5. As recorded by the home-video system, I personally encountered the law enforcement agents in my fence-enclosed back yard.
6. During the approximately two and one-half hours following their arrival, the agents questioned me extensively concerning my relationship with members of the New York City Police Department.
7. During the entire time that the agents were present at my home on April 17, 2016, they never informed me of my right to remain silent, nor of my right to consult with an attorney, nor of my right to refuse to permit them to enter or remain on my property or in my home. The law enforcement agents never advised me that they had an arrest warrant, and they never provided me with a search warrant.
8. During the approximately two and one-half hours that the agents were present in my home and questioning me, they seized and confiscated several items of my personal property.




9. After approximately two and on-half hours of questioning me, the agents told me that I was under arrest, searched me, and transported me to Manhattan for arrest processing.

WHEREFORE, I most respectfully request that this Honorable Court consider the actions of the law enforcement agents and evaluate those actions in light of the principals of Constitutional and Federal Law, and upon such consideration, I request that the Court grant the motions to dismiss and suppress.

  
Alex Lichtenstein

Affirmed Before me this  
3rd day of November, 2016

  
Notary Public

RICHARD A. FINKEL  
Notary Public, State of New York  
No. 02F14645961  
Qualified in Nassau County  
Commission Expires March 30, 2019